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Mr R Henderson
 Solicitor's Office
 Scottish Office
 New St Andrew's House
 Edinburgh
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Your reference

Our reference

Date 26 April 1991

Dear Richard,

HIV HAEMOPHILIAC LITIGATION

Thank you for your letter of the 25th April 1991.

I am sending with this letter a copy of the latest draft of the Macfarlane Trust deed a copy of my letter to John Williams the administrator.

At a meeting we had earlier this week the following matters were raised concerning Scotland:-

- (i) is it necessary for the application of the provisions that relate to Scotland to refer anywhere to eg, residents in Scotland?
- (ii) Does the undertaking need to be sealed in Scotland?
- (iii) Is there really any need for a receipt? Is a clear check not enough?
- (iv) What is meant by "notice of entitlement" in the Scottish schedule? Is it acceptable in line 2 of paragraph 5(a) of what is now Schedule 1 to say "shall commence from". I have made this alteration.
- (v) Can you confirm that there is no procedure in Scotland equivalent to our procedure here that enables a settlement to be approved by the Court where children or people under a disability are concerned, without proceedings being issued.

The hope had been that we would be in a position to send out an offer in settlement next Monday in which case I shall need any comments that you have on Monday morning.

You may notice incidentally that I have taken out the provision for the Secretary of State to add further sums to the Trust at a later date. I have replaced it with the power to vary. The reason for this is that we understand now that this liability to add funds to the Trust (which in Government

accounting terms is called a contingent liability" has to be approved by Parliament and that would take fourteen days).

I look forward to hearing from you.

Yours sincerely

GRO-C

RONALD POWELL

ENC:

which will be exercisable subject to the Trustees consent. This provision will enable us to deal with the covenant to provide more funds in due course but it will also enable us to deal with any difficulties that arise over any settlement in Northern Ireland and Scotland, but will also enable us to deal with any difficulties that arise in the English settlement.

Yours sincerely

GRO-C

RONALD POWELL

ENCS:

Copy to Simon Phelps, Paisnes. to

IS paras 18-12 are now and take account of obligations in the terms of settlement. The cross references in the Scottish schedule need correcting.

R.